

Application No.: 09/519,563
Amendment Dated: November 4, 2003
Reply to Office Action of: September 4, 2003

REMARKS

Responsive to the Office Action mailed July 20, 2004, Applicants submit the following remarks along with a Request for Continued Examination. Reconsideration of the merits of the Application in light of the remarks that follow is respectfully requested.

Specification

The specification was objected to because sixth paragraph, means-plus-function language was allegedly invoked and because the specification allegedly did not explicitly state what structures, materials and acts perform the function recited in claim elements. Applicants traverse the rejection to the extent that it is maintained. The claims have been amended in a manner such that they should no longer be construed to evoke the sixth paragraph of 35 U.S.C. §112. As such, withdrawal of the rejection is respectfully requested.

Claim Objections

The claims have been objected to for allegedly invoking 35 USC 112, 6th para. means plus function language for reasons similar to the objection to the specification. Applicants traverse the rejection to the extent it is maintained. The claims have been amended in a manner such that they should no longer be construed to evoke the sixth paragraph of 35 U.S.C. §112. As such, withdrawal of the rejection is respectfully requested.

Rejections under § 102/103

Claims 1-27 have been rejected under 35 USC §102(b) as allegedly being anticipated by, or alternatively under 35 USC 103(a) as allegedly being obvious over Tucker (US 4,221,219), Cummins (US 4,340,083), DeCant, Jr. et al. (US 4,443,218), Prosl et al. (US 4,541,429), Wojcicki et al. (US 5,190,522), Lord et al. (US 5,328,460), or Slettenmark (5,707,361); and have been rejected under 35 USC §102(e) as allegedly being anticipated by, or alternatively under 35 USC 103(a) as allegedly being obvious over Jalink, Jr. et al. (US 6,071,087). Applicants traverse the rejection to the extent it is maintained.

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None of the references cited by the Examiner, alone or in combination, teach or suggest each limitation of claims 1-27. Claims 1 –27 recite recovering electrical charge from a deflectable energy storing member. None of the references teach or suggest recovering charge from a deflectable energy storage member. More specifically, none of the references teach or suggest a circuit configured to recover a charge from a deflectable energy storage member. As stated at, e.g., page 15, 2nd full paragraph, of the present specification, piezo-electric membranes typically dissipate the charge build up after a voltage is applied across the membrane. A driver circuit as described in the present specification allows for collection of the energy stored in a piezo-electric membrane. None of the references cited by the Examiner teach or suggest such an energy recollection circuit or feature. As such, withdrawal of the rejection is respectfully requested.

Further Applicants assert that they did not acquiesce to the prior art rejections in the previous Office Action as suggested at page 7 of the Office Action dated July 20, 2004. Applicants asserted, and continue to assert, that none of the cited references teach or suggest recovering electrical charge from a deflectable energy storing member. However, in the present response, Applicants have amended the claims to make it more clear that it is the circuit and its configuration which is designed to recover the charge.

Double Patenting

Claims 1-25 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-30 of US 6,048,328. Claims 1-27 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-55 of US 6,488,652. Applicants traverse the rejections.

Reconsideration and withdrawal of the rejection is respectfully requested in light of the discussion presented above regarding the rejections under § 102/103. A circuit configured to recollect energy was not recited in the claims of either the '328 patent or the '652 patent. Withdrawal of the rejection is respectfully requested.

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Applicants submit that the above remarks are fully responsive to the Office Action of July 20, 2004. Consideration of the merits of the claims is respectfully requested.

Respectfully submitted,

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